U.S. DISTRICT COURT
DISTRICT OF VERMONT
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UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF VERMONT

IN RE SUBPOENA ON: YOUTUBE, INC. by LUCIA EAMES D/B/A EAMES OFFICE and EAMES OFFICE LLC	)))))	CASE NO: 2:07-mc-17 (D. Vt.)

APPLICATION TO CLERK OF COURT FOR
SUBPOENA PURSUANT TO 17 U.S.C. § 512(h)
AND INCORPORATED MEMORANDUM OF LAW

Lucia Eames d/b/a Eames Office and Eames Office LLC (collectively, "Eames") by its attorneys, Gravel and Shea, hereby applies to the Clerk of Court for a Subpoena to be served upon YouTube, Inc. ("YouTube"), in the form annexed hereto as **Exhibit B**, pursuant to the Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. § 512(h) ("Subpoena to identify infringer"). The reasons this application should be granted are explained in the incorporated Memorandum of Law.

MEMORANDUM OF LAW

Eames owns copyrights in various works, unauthorized copies of which Eames has discovered on YouTube, a video-sharing website. The DMCA provides a simple mechanism for copyright owners to obtain a subpoena from service providers like YouTube – without commencing a legal action – in order to identify alleged infringers.

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The DMCA sets forth the three requirements of a subpoena request:

(A) a copy of a notification described in subsection (c)(3)(A);

(B) a proposed subpoena; and

(C) a sworn declaration to the effect that the purpose for which the subpoena is sought is to obtain the identity of an alleged infringer and that such information will only be used for the purpose of protecting rights under this title.

17 U.S.C. § 512(h)(2). Each of these is annexed **Exhibits A, B,** and **C**, respectively.

The DMCA provides that the Clerk of Court "shall expeditiously issue and sign the proposed subpoena and return it to the requester for delivery" if the notification (**Exhibit A**) satisfies the provisions of subsection (c)(3)(A), the subpoena (**Exhibit B**) is in proper form, and the declaration (**Exhibit C**) is executed. 17 U.S.C. § 512(h)(4). All three are satisfied here.

Accordingly, we respectfully request that the Clerk of Court execute and return the subpoena forthwith to undersigned counsel.

Dated: Burlington, Vermont
March 19, 2007

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